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February 2, 2012

KEITH G. VON GLAHN (1952-2007)

Via ECF

Hon. Tonianne J. Bongiovanni, U.S.M.J.
United States District Court
District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street Room 2020
Trenton, NJ 08608

**Re: American General Life Ins. Co. v. Ellman Savings Irrevocable Trust, et al.
Civil Action No. 3:08-cv-05364-MLC-TJB
Our File No.: 07478.00537**

Dear Judge Bongiovanni:

We genuinely regret and apologize that your Honor has been subject to the parties' disagreements regarding discovery. Many if not all of these disagreements likely could have been avoided if defendants had simply agreed to meet and confer regarding the issues, as we have repeatedly requested. Indeed, Mr. BenHaim's February 1 letter addresses an issue regarding the proposed scheduling order as to which there is no objection. Had counsel merely responded to our request for input on the scheduling order two weeks ago, as directed by your Honor's chambers, there would have been no need for the Mr. BenHaim's February 1 letter.

We have no objection to Mr. BenHaim's proposed schedule for ultimate submission of discovery motions and extension of discovery until July 31. We do, however, strenuously object to defendants' false statements that American General has not complied with its discovery obligations in this case. As our prior submissions have demonstrated, American General is in full compliance with its discovery obligations in this case, and in fact, has gone beyond what is legitimately required by the rules of discovery.

We, of course, are at your Honor's disposal to discuss all matters as the Court deems

To:

January 27, 2012

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appropriate.

Thank you.

Respectfully,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



Karen D. Peck

KDP:kdp

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